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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,163	09/12/2003	Harry Bims	5878P009X	7509

26111 7590 01/24/2007
STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

AJAYI, JOEL

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/24/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

fadkt@skgf.com

Office Action Summary

Application No.

10/661,163

Applicant(s)

BIMS, HARRY

Examiner

Joel Ajayi

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Applicant's claim for the benefit of U.S. Patent No. 6,788,658, filed on 1/11/02 is acknowledged.

Information Disclosure Statement

The information disclosure statement submitted on 11/10/03 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 8, 11-14, 18, 21-24, 28, 31, 33-35, 37-39, 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shaughnessy et al. (U.S. Patent Number: 5,392,449)** in view of **Frost (U.S. Patent Number: 4,284,848)**.

Consider **claim 1**; Shaughnessy clearly discloses a method, comprising:

Detecting, at a switch, a presence of a first repeater coupled to the switch at a location
(column 1, lines 35-50);

Except:

Automatically configuring the first repeater to enable the first repeater to communicate with a mobile station and the switch without using information resulting from a site survey of the location.

In the same field of endeavor Frost clearly discloses automatically configuring the first repeater to enable the first repeater to communicate with a mobile station and the switch without using information resulting from a site survey of the location (column 3, lines 37-44; column 21, lines 7-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Frost into the method of Shaughnessy in order to provide improvements in telephone networks whereby the network is provided in a truly switched network configuration.

Consider **claim 11**; Shaughnessy clearly discloses a method, comprising:

Means for detecting, at a switch, a presence of a first repeater coupled to the switch at a location (column 1, lines 35-50);

Except:

Means for automatically configuring the first repeater to enable the first repeater to communicate with a mobile station and the switch without using information resulting from a site survey of the location.

In the same field of endeavor Frost clearly discloses a means for automatically configuring the first repeater to enable the first repeater to communicate with a mobile station and the switch without using information resulting from a site survey of the location (column 3, lines 37-44; column 21, lines 7-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Frost into the method of Shaughnessy in order to provide improvements in telephone networks whereby the network is provided in a truly switched network configuration.

Consider **claim 21**; Shaughnessy clearly discloses a machine-readable medium having executable code to cause a machine to perform a method (column 1, lines 35-50), the method comprising:

Detecting, at a switch, a presence of a first repeater coupled to the switch at a location (column 1, lines 35-50);

Except:

Automatically configuring the first repeater to enable the first repeater to communicate with a mobile station and the switch without using information resulting from a site survey of the location.

In the same field of endeavor Frost clearly discloses automatically configuring the first repeater to enable the first repeater to communicate with a mobile station and the switch without using information resulting from a site survey of the location (column 3, lines 37-44; column 21, lines 7-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Frost into the method of Shaughnessy in order to provide improvements in telephone networks whereby the network is provided in a truly switched network configuration.

Consider **claim 31**; Shaughnessy clearly discloses a method, comprising:

Detecting a repeater plugged into a switch port of a switch (coupled) (column 1, lines 35-50);

Except:

Automatically downloading configuration information from the switch; and configuring the repeater using the configuration information to enable the repeater to communicate with one or more mobile station without using data resulting from a site survey.

In the same field of endeavor Frost clearly discloses automatically downloading configuration information from the switch (column 3, lines 37-44; column 21, lines 7-14); and configuring the repeater using the configuration information to enable the repeater to

communicate with one or more mobile station without using data resulting from a site survey (column 3, lines 37-44; column 21, lines 7-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Frost into the method of Shaughnessy in order to provide improvements in telephone networks whereby the network is provided in a truly switched network configuration.

Consider **claim 35**; Shaughnessy clearly discloses a method, comprising:

Means for detecting a repeater plugged into a switch port of a switch (coupled) (column 1, lines 35-50);

Except:

Means for automatically downloading configuration information from the switch; and means for configuring the repeater using the configuration information to enable the repeater to communicate with one or more mobile station without using data resulting from a site survey.

In the same field of endeavor Frost clearly discloses a means for automatically downloading configuration information from the switch (column 3, lines 37-44; column 21, lines 7-14); and means for configuring the repeater using the configuration information to enable the repeater to communicate with one or more mobile station without using data resulting from a site survey (column 3, lines 37-44; column 21, lines 7-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Frost into the method of Shaughnessy in order to provide improvements in telephone networks whereby the network is provided in a truly switched network configuration.

Consider **claim 39**; Shaughnessy clearly discloses a machine-readable medium having executable code to cause a machine to perform a method (column 1, lines 35-50), the method comprising:

Detecting a repeater plugged into a switch port of a switch (coupled) (column 1, lines 35-50);

Except:

Automatically downloading configuration information from the switch; and configuring the repeater using the configuration information to enable the repeater to communicate with one or more mobile station without using data resulting from a site survey.

In the same field of endeavor Frost clearly discloses automatically downloading configuration information from the switch (column 3, lines 37-44; column 21, lines 7-14); and configuring the repeater using the configuration information to enable the repeater to communicate with one or more mobile station without using data resulting from a site survey (column 3, lines 37-44; column 21, lines 7-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Frost into the method of Shaughnessy in order to provide improvements in telephone networks whereby the network is provided in a truly switched network configuration.

Consider **claim 43**; Shaughnessy clearly discloses an apparatus, comprising:

A switch capable of coupling with one or more repeaters (column 1, lines 35-50).

Except:

The switch automatically detects a presence of the repeater and configures the repeater to enable the repeater to communicate with a mobile station wirelessly without using information resulting from a site survey.

In the same field of endeavor Frost clearly discloses the switch automatically detects a presence of the repeater and configures the repeater to enable the repeater to communicate with a mobile station wirelessly without using information resulting from a site survey (column 3, lines 37-44; column 21, lines 7-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Frost into the method of Shaughnessy in order to provide improvements in telephone networks whereby the network is provided in a truly switched network configuration.

Consider **claim 44**; Shaughnessy clearly discloses an apparatus, comprising:

A repeater capable of coupling to a switch, which is coupled to one or more repeaters (column 1, lines 35-50).

Except:

The repeater downloads information from the switch for configuring the repeater to enable the repeater to communicate with a mobile station wirelessly without using information resulting from a site survey.

In the same field of endeavor Frost clearly discloses the repeater downloads information from the switch for configuring the repeater to enable the repeater to communicate with a mobile station wirelessly without using information resulting from a site survey (column 3, lines 37-44; column 21, lines 7-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Frost into the method of Shaughnessy in order to provide improvements in telephone networks whereby the network is provided in a truly switched network configuration.

Consider **claims 2, 12, and 22**; the combination above clearly discloses transmitting configuration data from the switch to the first repeater to enable the first repeater to operate and communicate with the switch and the mobile station, in response to the detection of the first repeater (Frost, column 3, lines 37-44; column 21, lines 7-14).

Consider **claims 3, 13, 23, and 33**; the combination above clearly discloses receiving the configuration data at the first repeater (Frost, column 3, lines 37-44; column 21, lines 7-14); and executing the configuration data to configure the first repeater communicating with the switch and the mobile station (Frost, column 3, lines 37-44; column 21, lines 7-14).

Consider **claims 4, 14, 24, 34, 37, 38, 41, and 42**; the combination above clearly discloses the switch receiving a signal that indicates completion of the configuration (Frost, column 3, lines 37-44; column 21, lines 7-14).

Consider **claims 8, 18, and 28**; the combination above clearly discloses locating a second repeater currently coupled to the switch, the second repeater suitable to communicate with the mobile station; and associating the mobile station with the second repeater (column 1, lines 35-50).

Claims 5, 6, 10, 15, 16, 20, 25, 26, 30, 32, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shaughnessy et al. (U.S. Patent Number: 5,392,449)** in view of **Frost**

(U.S. Patent Number: 4,284,848), and further in view of Tikalsky (U.S. Patent Number: 5,875,179).

Consider **claims 5, 15, and 25**; Shaughnessy and Frost clearly discloses the claimed invention except determining whether the first repeater is more appropriate with respect to the mobile station than a second repeater with which the mobile station had previously communicated.

In the same field of endeavor Tikalsky clearly discloses determining whether the first repeater is more appropriate with respect to the mobile station than a second repeater with which the mobile station had previously communicated (column 3, lines 55-59; column 8, lines 26-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Tikalsky into the method of Shaughnessy and Frost in order to synchronize communication among plural nodes/communication stations, which communicate within a network having a wireless backbone of repeaters.

Consider **claims 6, 16, and 26**; the combination above clearly discloses disassociating the mobile station from the second repeater (column 3, lines 55-59; column 8, lines 26-29); and re-associating the mobile station with the first repeater (column 3, lines 55-59; column 8, lines 26-29).

Consider **claims 10, 20, 30, 32, 36, and 40**; the combination above clearly discloses drawing power from the switch to power up the first repeater (column 11, lines 33-38); performing an initialization within the first repeater; and transmitting a signal to the switch to indicate the presence of the first repeater (column 4 line 57- column 5, line 2).

Claims 7, 9, 17, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shaughnessy et al. (U.S. Patent Number: 5,392,449)** in view of **Frost (U.S. Patent Number: 4,284,848)**, and further in view of **Weissman (U.S. Patent Application Number: 2002/0061763)**.

Consider **claims 7, 17, and 27**; Shaughnessy and Frost clearly discloses the claimed invention except detecting decoupling the first repeater from the switch; and signaling an alarm upon detecting the decoupling of the first repeater from the switch.

In the same field of endeavor Weissman clearly discloses detecting decoupling the first repeater from the switch (paragraph 3, lines 1-9; paragraph 116, lines 1-9; paragraph 119, lines 1-12); and signaling an alarm upon detecting the decoupling of the first repeater from the switch (paragraph 3, lines 1-9; paragraph 116, lines 1-9; paragraph 119, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Weissman into the method of Shaughnessy and Frost in order to provide a method and apparatus for controlling a gain between repeaters in a cellular communications network.

Consider **claims 9, 19, and 29**; the combination above clearly discloses that the re-association is performed transparently to a user of the mobile station (abstract, lines 1-9; paragraph 3, lines 17-22).

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joel Ajayi whose telephone number is (571) 270-1091. The Examiner can normally be reached on Monday-Friday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

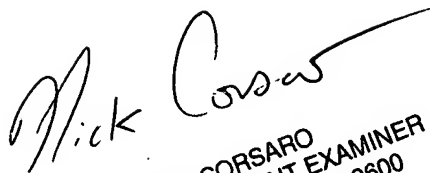
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Joel Ajayi

January 08, 2007


NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600